Can We Say Someone Who Died As a Disbeliever Is In The Fire?

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بِسْمِ اللهِ الرَّحْمنِ الرَّحِيمِ

In the Name of Allāh, the Most-Beneficent, the Most-Merciful

This is a very short article regarding the issue of declaring a specific dead disbeliever to be in *Jahannam*. It is not meant to address some of the statements of disbelief that have recently been written and uttered by some, stating that it is possible for someone who heard of *Islām* yet died upon disbelief to enter *Jannah*.

Prerequisites

There are a few things that should be known before delving into this issue:

Īmān (Faith) Must Be Inward and Outward; Statements, Actions and Beliefs

Firstly, if a person says this statement because they believe that *Īmān* is only in the heart and we don't know if this person believed in his heart or not, then this is completely rejected. This is because there is a consensus that in order for someone to be a *Muslim*, they must have *Īmān* in their heart, upon their limbs (i.e. in their actions) and upon their tongue (i.e. in their statements). [1]

A Disbeliever's Good Deeds Do Not Affect This Topic

Secondly, if a person makes this statement due to the fact that a disbeliever may have done some deeds that are considered by the *Sharī`ah* to be good, this does not have an effect on the topic. This is based upon the following:

On the authority of Al-`Abbās Ibn `Abdil-Muṭṭalib, رَضِيَ اللهُ عَنْهُ, that he said to the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ:

"يَا رَسُولَ اللهِ عَمُّكَ أَبُو طَالِبٍ كَانَ يَحُوطُكَ وَيَنْفَعُكَ." قَالَ: "إِنَّهُ فِي ضَحْضَاحٍ مِنَ النَّارِ وَلَوْلا أَنَا كَانَ فِي الدَّرْكِ الْأَسْفَلِ."

"O Messenger of Allāh your uncle Abū Ṭālib used to protect you and benefit you." He (i.e. the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّم) said: *"Indeed, he is in a shallow place in the Fire. And had it not been for me, he would have been in the lowest depth."* [2]

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[1] Look to "*Sharḥ Uṣūl I`tiqād Ahl as-Sunnah wal-Jamā`ah*", Vol. 1/176-179, Vol. 5/886 by Al-Lālakā'ī, "*At-Tamhīd Limā Fil-Muwaṭṭa' Minal-Ma`ānī wal-Asānīd*" Vol. 9/238, by Ibn `Abdil-Barr, "*Al-Īmān*", pg. 292-293 by Ibn Taymiyyah, "*Majmū` Fatāwā Ibn Taymiyyah*", Vol. 7/366 and elsewhere.

[2] Collected by Al-Ḥumaydī (#465), Ibn Abī Shaybah (#35,297), Aḥmad (#1,763), Al-Bukhārī (#3,883), Muslim (#431), Al-Bazzār (#1,311), Abū Ya`lā (#6,694) and Ar-Rūyānī (#1,327)

And on the authority of `Ā'ishah who said:

قُلْتُ: "يَا رَسُولَ اللهِ ابْنُ جُدْعَانَ كَانَ فِي الْجَاهِلِيَّةِ يَصِلُ الرَّحِمَ وَيُطْعِمُ الْمَاسْكِينَ فَهَلْ ذَاكَ نَافِعُهُ؟" قَالَ: "لَا يَا عَائِشَةُ إِنَّهُ لَمْ يَقُلْ يَوْمًا رَبِّ اغْفِرْ لِي خَطِيئَتِي يَوْمَ الدِّينِ."

"I said: 'O Messenger of Allāh, in *Jāhiliyyah*, Ibn Jud`ān used to keep the ties of kinship and feed the poor. Would that be of any avail to him?' He said: *'It will be of no avail to him as he did not ever say: O my Lord, pardon my sins on the Day of Resurrection.'"* [3]

No Disbelievers Will Enter *Jannah*

Thirdly, only *Muslims* will enter *Jannah*. This is based upon the following:

On the authority of Abū Hurayrah that the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, commanded Bilāl, so he called out:

"لَا يَدْخُلُ الْجَنَّةَ إِلَّا نَفْسٌ مُؤْمِنَةٌ وَإِنَّ اللهَ لَيُؤَيِّدُ هَذَا الدِّينَ بِالرَّجُلِ الْفَاجِرِ."

"No one will enter the Jannah except for a Believing Soul. And indeed, Allāh will Support this religion through an evil man." [4]

And in a narration:

"لَا يَدْخُلُ الْجَنَّةَ إِلَّا نَفْسٌ مُسْلِمَةٌ."

"No one will enter the Jannah except for a Believing Soul." [5]

And on the authority of Bishr Ibn Suḥaym that the Prophet, , addressed the people on the Days of Tashrīq and said:

"إِنَّهُ لَا يَدْخُلُ الجنَّة إِلَّا نَفْسٌ مُؤْمِنَةٌ وَإِنَّ هَذِهِ الأَيَّامَ أَيَّامُ أَكْلٍ وَشُرْبٍ"

"Indeed, no one will enter Jannah except for a Believing Soul and indeed, these days are days of eating and drinking." [6]

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[3] Collected by Aḥmad (#25128) and Muslim (#438)

[4] Collected by `Abdur-Razzāq (#9,573), Aḥmad (#8,076), Ad-Dārimī (#2,676), Al-Bukhārī (#3,062), Muslim (#220) and An-Nasā'ī (#8,833)

[5] Collected by Aḥmad (#8,090), Al-Bukhārī (#3,062) and Muslim (#178)

[6] Collected by Ibn Abī Shaybah (#15,499), Aḥmad (#15,506), Ad-Dārimī (#1,894), Ibn Mājah (#1,720) and An-Nasā'ī (#2,908)

And on the authority of Ka`b Ibn Mālik that the Messenger of Allāh, , sent him and Aws Ibn al-Ḥadathān out on the Days of Tashrīq, so they called out that: “No one will enter Jannah except for a Believing Soul and that the Days of Tashrīq are days of eating and drinking.” [7]

And on the authority of `Abdullāh Ibn Mas`ūd that the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, said:

"وَالَّذِي نَفْسِي بِيَدِهِ إِنِّي لَأَرْجُو أَنْ تَكُونُوا نِصْفَ أَهْلِ الْجَنَّةِ وَذَاكَ أَنَّ الْجَنَّةَ لَا يَدْخُلُهَا إِلَّا نَفْسٌ مُسْلِمَةٌ وَمَا أَنْتُمْ فِي الشِّرْكِ إِلَّا كَالشَّعْرَةِ الْبَيْضَاءِ فِي جِلْدِ ثَوْرٍ أَسْوَدَ أَوِ السَّوْدَاءِ فِي جِلْدِ ثَوْرٍ أَحْمَرَ."

“By the One in Whose Hand is my soul, I have hope that you will be half of the people of Jannah, and that is because no one but a Muslim Soul will enter Jannah. And you are no more amongst the polytheists than as a white hair on the skin of a black bull or a black (hair) on the skin of a red bull.” [8]

So if a person makes the statement that you have mentioned based upon any of these false arguments, then their statement is rejected and they have contradicted the *`Aqīdah* of the *Muslims*.

Now, with regards to the specific question, there are two general opinions on this subject:

First Opinion: We Cannot Say That a Specific Disbeliever Is In the Fire

This is based upon the following arguments:

This Is From the Unseen Knowledge (*Ġayb*)

We do not know if he repented before his death, or if he may have an excuse on the Day of Judgement and so forth.

Allāh, تَعَالَى, said:

﴿وَعِندَهُ مَفَاتِحُ الْغَيْبِ لاَ يَعْلَمُهَا إِلاَّ هُوَ وَيَعْلَمُ مَا فِي الْبَرِّ وَالْبَحْرِ وَمَا تَسْقُطُ مِن وَرَقَةٍ إِلاَّ يَعْلَمُهَا وَلاَ حَبَّةٍ فِي ظُلُمَاتِ الأَرْضِ وَلاَ رَطْبٍ وَلاَ يَابِسٍ إِلاَّ فِي كِتَابٍ مُّبِينٍ﴾

﴿**And with Him are the keys of the *Ġayb*** (all that is hidden)**, none knows them but He. And He knows whatever there is in (or on) the earth and in the sea; not a leaf falls, but he knows it.**

[7] Collected by Aḥmad (#15886), `Abd Ibn Ḥumayd (#374) and Muslim (#2649)

[8] Collected by Aṭ-Ṭayālisī (#322), Aḥmad (#3,661), Al-Bukhārī (#6,528), Muslim (#449), Ibn Mājah (#4,283), At-Tirmithī (#2,547) and Abū Ya`lā (#5,386)

There is not a grain in the darkness of the earth nor anything fresh or dry, but is written in a Clear Record.﴾ [9]

And He said:

﴿عَالِمِ الْغَيْبِ وَالشَّهَادَةِ فَتَعَالَى عَمَّا يُشْرِكُونَ﴾

﴾**All-Knower of the unseen and the seen! Exalted be He over all that they associate as partners to Him!**﴿ [10]

So, they state that knowing if someone is in *Jannah* or the Fire is from the *Ġayb*, and no one knows the *Ġayb* except Allāh.

This Is a Guarantee on Allāh's Behalf

On the authority of Jundub Ibn `Abdillāh:

أَنَّ رَسُولَ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ حَدَّثَ أَنَّ رَجُلاً قَالَ: "وَاللهِ لَا يَغْفِرُ اللهُ لِفُلَانٍ." وَإِنَّ اللهَ تَعَالَى قَالَ: "مَنْ ذَا الَّذِي يَتَأَلَّى عَلَيَّ أَنْ لَا أَغْفِرَ لِفُلَانٍ فَإِنِّي قَدْ غَفَرْتُ لِفُلَانٍ وَأَحْبَطْتُ عَمَلَكَ."

That the Messenger of Allāh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, told of a man who said: *"By Allāh, Allāh will not forgive so and so." And Allāh, تَعَالَى, said: "Who is it that makes a guarantee on My Behalf that I will not forgive so and so? Indeed I have Forgiven so and so and Made your deeds void."* [11]

So they state that we do not know the *Ġayb*, and saying that a person is in the Fire forever is a judgement that Allāh will not Forgive him. So by stating that he is in the Fire, we fall under this *Ḥadīth*.

We Do Not Know If the Person Received the Message of *Islām*

They also argue that we do not know if they received the Message of *Islām*. And if they have not received the Message of *Islām*, then we can't say that they will be punished. This is based upon the following:

Allāh, تَعَالَى, said:

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[9] *Sūrat al-An`ām*, 59
[10] *Sūrat al-Mu'minūn*, 92
[11] Collected by Muslim (#6,774) and Abū Ya`lā (#1,529)

﴿وَمَا كُنَّا مُعَذِّبِينَ حَتَّى نَبْعَثَ رَسُولاً﴾

﴿**And We never punish until We have sent a Messenger** (to give warning)**.**﴾ [12]

And on the authority of Al-Aswad Ibn Sarī` on the authority of the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, who said:

أَرْبَعَةٌ يَحْتَجُّونَ يَوْمَ الْقِيَامَةِ: رَجُلٌ أَصَمُّ وَرَجُلٌ أَحْمَقُ وَرَجُلٌ هَرِمٌ وَرَجُلٌ مَاتَ فِي الْفَتْرَةِ. فَأَمَّا الْأَصَمُّ فَيَقُولُ: رَبِّ لَقَدْ جَاءَ الْإِسْلَامُ وَلَمْ أَسْمَعْ شَيْئًا. وَأَمَّا الْأَحْمَقُ فَيَقُولُ: رَبِّ لَقَدْ جَاءَ الْإِسْلَامُ وَالصِّبْيَانُ يَحْذِفُونِي بِالْبَعْرِ. وَأَمَّا الْهَرِمُ فَيَقُولُ: رَبِّ لَقَدْ جَاءَ الْإِسْلَامُ وَمَا أَعْقِلُ. وَأَمَّا الَّذِي مَاتَ فِي الْفَتْرَةِ فَيَقُولُ: رَبِّ مَا أَتَانِي لَكَ رَسُولٌ. فَيَأْخُذُ مَوَاثِيقَهُمْ لَيُطِيعَنَّهُ فَيُرْسِلُ إِلَيْهِمْ رَسُولاً أَنِ ادْخُلُوا النَّارَ." قَالَ: "فَوَالَّذِي نَفْسِي بِيَدِهِ لَوْ دَخَلُوهَا كَانَتْ عَلَيْهِمْ بَرْداً وَسَلَاماً."

"Four will present excuses on the Day of Resurrection: A deaf person who did not hear, a mentally incapacitated man, a senile old man and a man who died in a Fatrah (i.e. a time between two Prophets). As for the deaf person, then he will say: 'O my Lord, Islām came and I could not hear anything.' As for the mentally incapacitated man, then he will say: 'My Lord, Islām came and the children were throwing dung at me.' As for the senile old man, then he will say: 'My Lord, Islām came and I could not comprehend.' As for the man who died during a Fatrah, then he will say: 'My Lord, no Messenger of Yours came to me.' So He (i.e. Allāh) will Take their covenant to obey Him. Then He will Send a Messenger to them (commanding them) to enter the Fire (as a test)." He (i.e. the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ) then said: *"By the One in Whose Hand is my soul, if they enter it, it will be cold and safe for them."* [13]

So, they say that those who have not received the *Da`wah* will have a chance on the Day of Resurrection to be tested and enter *Jannah*.

Ahl as-Sunnah Does Not Declare Any Individuals to Be In *Jannah* or the Fire, Other Than Those Specified In the *Qur'ān* and the *Sunnah*

And they quote statements from a number of scholars in which they mention the rule of *Ahl as-Sunnah* about not declaring anyone to be in *Jannah* or the Fire except those that have been named in the *Qur'ān* and the *Sunnah*. For example:

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[12] *Sūrat al-Isrā'*, 15

[13] Collected by Isḥāq Ibn Rāhwayh (#41), Aḥmad (#16,301), Al-Bazzār (#9,597), Ibn Ḥibbān (#7,357), Aṭ-Ṭabarānī in "*Al-Mu`jam al-Awsaṭ*" (#841) and others. This *Ḥadīth* or others similar to it were accepted by Ibn Ḥibbān in his "*Ṣaḥīḥ*", (#7,357), Al-Bayhaqī in "*Al-I`tiqād*", (#185), Ibn al-Qayyim in "*Aḥkām Ahl ath-Thimmah*", Vol. 2/1139, Ibn Kathīr in his "*Jāmi` al-Masānīd was-Sunan*", (#443), Ibn Ḥajar al-`Asqalānī in "*Fatḥ al-Bārī*", Vol. 3/291, Al-Albānī in "*Ṣaḥīḥ al-Jāmi` aṣ-Ṣaġīr*", (#881), Al-Wādi`ī in "*Aṣ-Ṣaḥīḥ al-Musnad*", (#19) and others. Some based this on individual chains and others based on the chains strengthening each other.

Imām Aḥmad stated: "And we do not declare anyone from the People of the *Qiblah* (i.e. Muslims) to be in *Jannah* or the Fire, except those whom the Messenger of Allāh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, testified to them being in *Jannah*." [14]

Aṭ-Ṭaḥāwī stated: "And we believe that *Ṣalāt* is to be performed behind every righteous and wicked person from the People of the *Qiblah*, as well as (performing *Ṣalāt*) upon whoever dies from them. And we do not declare any of them to be in *Jannah* or the Fire." [15]

So they argue that declaring someone to be in *Jannah* or the Fire is not possible except through a Text.

Second Opinion: We Can Say That a Specific Disbeliever Is In the Fire

The second opinion is that if someone dies and his *Ṭhāhir* (outward appearance) is that he is a *kāfir*, it is permissible to declare that he is in the Fire.

The arguments used by those who hold this view are as follows:

Allāh Judged That Whoever Dies As a Disbeliever Will Be In the Fire

Allāh, تَعَالَى, said:

﴿إِنَّ اللّهَ لاَ يَغْفِرُ أَن يُشْرَكَ بِهِ وَيَغْفِرُ مَا دُونَ ذَلِكَ لِمَن يَشَاء وَمَن يُشْرِكْ بِاللّهِ فَقَدِ افْتَرَى إِثْماً عَظِيماً﴾

﴿**Verily, Allāh forgives not that partners should be set up with him in worship, but He forgives except that** (anything else) **to whom He pleases, and whoever sets up partners with Allāh in worship, he has indeed invented a tremendous sin.**﴾ [16]

And He said:

﴿إِنَّهُ مَن يُشْرِكْ بِاللّهِ فَقَدْ حَرَّمَ اللّهُ عَلَيهِ الْجَنَّةَ وَمَأْوَاهُ النَّارُ وَمَا لِلظَّالِمِينَ مِنْ أَنصَارٍ﴾

﴿**Verily, whosoever sets up partners in worship with Allāh, then Allāh has forbidden Paradise for him, and the Fire will be his abode. And for the *Ṭhālimīn* there are no helpers.**﴾ [17]

So, they state that Allāh has told us that whoever dies as a *kāfir* will be in the Fire, so when we say that a *kāfir* is in the Fire, we are only merely what Allāh has Told us.

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[14] "*Ṭabaqāt al-Ḥanābilah*" by Ibn Abī Ya`lā Vol. 1/312
[15] "*Sharḥ al-`Aqīdah aṭ-Ṭaḥāwiyyah*" by Ibn Abil-`Izz al-Ḥanafī Vol. 2/537
[16] *Sūrat an-Nisā'*, 48
[17] *Sūrat al-Mā'idah*, 72

And on the authority of Abū Hurayrah, رَضِيَ اللهُ عَنْهُ, that the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, said:

"وَالَّذِي نَفْسُ مُحَمَّدٍ بِيَدِهِ لَا يَسْمَعُ بِي أَحَدٌ مِنْ هَذِهِ الْأُمَّةِ وَلَا يَهُودِيٌّ وَلَا نَصْرَانِيٌّ وَمَاتَ وَلَمْ يُؤْمِنْ بِالَّذِي أُرْسِلْتُ بِهِ إِلَّا كَانَ مِنْ أَصْحَابِ النَّارِ."

"By the One in Whose Hand is the soul of Muḥammad, no one from amongst this Ummah hears of me; nor any Jew nor any Christian, and dies without having believed in what I was Sent with, except that he is from the People of the Fire." [18]

So, they argue that someone who hears of the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, and does not follow him will be in the Fire. Therefore, if a person dies as a *kāfir*, he has obviously not followed the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, so he is in the Fire.

On the authority of Anas Ibn Mālik, رَضِيَ اللهُ عَنْهُ:

أَنَّ غُلَامًا مِنَ الْيَهُودِ كَانَ يَخدُمُ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فَمَرِضَ. فَأَتَاهُ النَّبِيُّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ يَعُودُهُ وَهُوَ بِالْمَوْتِ فَدَعَاهُ إِلَى الْإِسْلَامِ فَنَظَرَ الْغُلَامُ إِلَى أَبِيهِ وَهُوَ عِنْدَ رَأْسِهِ فَقَالَ لَهُ أَبُوهُ: "أَطِعْ أَبَا الْقَاسِمِ." فَأَسْلَمَ ثُمَّ مَاتَ. فَخَرَجَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ مِنْ عِنْدِهِ وَهُوَ يَقُولُ: "الْحَمْدُ للهِ الَّذِي أَنْقَذَهُ بِي مِنَ النَّارِ."

"That Jewish boy used to serve the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, and he became sick. So, the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, went to visit him. He sat near his head and said to him: *'Embrace Islām.'* The boy looked at his father, who was with him, then he (i.e. the father) said: 'Obey Abul-Qāsim.' So he embraced *Islām*. The Prophet came out saying: *'Praise be to Allāh, the One Who, through me, saved him from the Fire.'"* [19]

The Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, Gave Instructions to Give Disbelievers Tidings of the Fire When Passing by Their Graves

They also quote the following *Ḥadīth*:

It was narrated from Sālim that his father said:

[18] Collected by Aḥmad (#8,188) and by Muslim (#153) with a different chain of narration
[19] Collected by Aḥmad (#14,022), Al-Bukhārī (#1,356), Abū Dāwūd (#3,095) and An-Nasā'ī (#8,534)

جَاءَ أَعْرَابِيٌّ إِلَى النَّبِيِّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فَقَالَ:"يَا رَسُولَ اللهِ إِنَّ أَبِي كَانَ يَصِلُ الرَّحِمَ وَكَانَ وَكَانَ فَأَيْنَ هُوَ؟" قَالَ: "فِي النَّارِ." قَالَ: فَكَأَنَّهُ وَجَدَ مِنْ ذَلِكَ فَقَالَ: "يَا رَسُولَ اللهِ فَأَيْنَ أَبُوكَ؟" قَالَ رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: "حَيْثُمَا مَرَرْتَ بِقَبْرِ كَافِرٍ فَبَشِّرْهُ بِالنَّارِ." قَالَ: فَأَسْلَمَ الْأَعْرَابِيُّ بَعْدُ وَقَالَ: "لَقَدْ كَلَّفَنِي رَسُولُ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ تَعَبًا مَا مَرَرْتُ بِقَبْرِ كَافِرٍ إِلَّا بَشَّرْتُهُ بِالنَّارِ."

"A Bedouin came to the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, and said: 'O Messenger of Allāh, my father used to uphold the ties of kinship, and so forth and so forth, so where is he?' He said: *'In the Fire.'* So it was as if he found that difficult to bear. Then he said: 'O Messenger of Allāh. Where is your father?' The Messenger of Allāh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, said: *'Whenever you pass by the grave of a kāfir, give him tidings of Fire.'* The Bedouin later became *Muslim*, and he said: 'The Messenger of Allāh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, gave me a difficult task. I never pass by the grave of a *kāfir* except that I give him tidings of Fire.'" [20]

So they say that here, by giving tidings of the Fire to any disbeliever who is in a grave that you pass by, this is obviously stating that he is in the Fire.

They argue that the only thing that prevented this person from being in the Fire was that he embraced *Islām* before dying. Had he not done so, he would have been in the Fire.

Abū Bakr, رَضِيَ اللهُ عَنْهُ, and the *Ṣaḥābah* with Him Judged That Specific Disbelievers Were in the Fire

They also cite a *Ḥadīth* from Ṭāriq Ibn Shihāb who said:

جَاءَ وَفْدُ بُزَاخَةَ مِنْ أَسَدٍ وَغَطَفَانَ إِلَى أَبِي بَكْرٍ يَسْأَلُونَهُ الصُّلْحَ فَخَيَّرَهُمْ بَيْنَ الْحَرْبِ الْمُجْلِيَةِ وَالسِّلْمِ الْمُخْزِيَةِ فَقَالُوا: "هَذِهِ الْمُجْلِيَةُ قَدْ عَرَفْنَاهَا فَمَا الْمُخْزِيَةُ؟" قَالَ: "تَنْزِعُ مِنْكُمُ الْحَلْقَةَ وَالْكُرَاعَ وَنَغْنَمُ مَا أَصَبْنَا مِنْكُمْ وَتَرُدُّونَ عَلَيْنَا مَا أَصَبْتُمْ مِنَّا وَتَدُونَ لَنَا قَتْلَانَا وَيَكُونُ قَتْلَاكُمْ فِي النَّارِ وَتَتْرُكُونَ أَقْوَامًا يَتَّبِعُونَ أَذْنَابَ الْإِبِلِ حَتَّى يُرِيَ اللهُ خَلِيفَةَ رَسُولِهِ وَالْمُهَاجِرِينَ أَمْراً يَعْذُرُونَكُمْ بِهِ." فَعَرَضَ أَبُو بَكْرٍ مَا قَالَ عَلَى الْقَوْمِ فَقَامَ عُمَرُ فَقَالَ: "قَدْ رَأَيْتَ رَأْيًا وَسَنُشِيرُ عَلَيْكَ أَمَّا مَا ذَكَرْتَ..." – فَذَكَرَ الْحُكْمَيْنِ الْأَوَّلَيْنِ – قَالَ: "فَنِعْمَ مَا ذَكَرْتَ وَأَمَّا تَدُونَ قَتْلَانَا وَيَكُونُ قَتْلَاكُمْ فِي النَّارِ فَإِنَّ قَتْلَانَا قَاتَلَتْ عَلَى أَمْرِ اللهِ وَأُجُورُهَا عَلَى اللهِ لَيْسَتْ لَهَا دِيَاتٌ" قَالَ: "فَتَتَابَعَ الْقَوْمُ عَلَى مَا قَالَ عُمَرُ."

[20] Collected by Ibn Mājah (#1,573), and others. This was declared "*Ṣaḥīḥ*" by Al-Albāni in "*Ṣaḥīḥ Sunan Ibn Mājah*", (#1,288). However, this *Ḥadīth* has also been narrated with a "*Mursal*" chain of narration in "*Muṣannaf Ibn Abī Shaybah*", (#1,968). And this appears to be the stronger narration as was stated by *Imām* Abū Ḥātim ar-Rāzī in "*Al-`Ilal*", Vol. 2/256 and *Imām* Ad-Dāraquṭnī in "*Al-`Ilal*", Vol. 4/334. So, the *Ḥadīth* is not authentic.

“The delegation of Buzākhah [21] from Asad and Ġaṭafān came to Abū Bakr asking him for a *Ṣulḥ* (truce). So he gave them the choice between a bankrupting war and a humiliating peace. So they said: ‘This bankrupting (war), we know it, but what is the humiliating (peace)? He said: ‘We will take all weapons and riding animals away from you. We will keep what we took from you as spoils of war and you will return to us what you took from us. You will pay the *Diyah* (i.e. blood money) for our dead, and your dead will be in the Fire. And you will be left as a people who follow the tails of the camels until Allāh shows the *Khalīfah* of His Messenger and the *Muhājirīn*, something that they can excuse you with.’ So Abū Bakr presented to the people that which he said, then `Umar stood up and said: ‘You have taken an opinion, and we will advise you. As for what you mentioned…” And he mentioned the first two rulings: “…then what you mentioned is good. As for ‘…you pay the *Diyah* for our dead and your dead will be in the Fire’, then our dead fought upon the Matter of Allāh, their rewards are incumbent upon Allāh, (so) they do not have *Diyahs*.’ He (i.e. Ṭāriq Ibn Shihāb) said: ‘So the people followed that which `Umar said.’” [22]

They argue that Abū Bakr, رَضِيَ اللهُ عَنْهُ, stipulated that the people who came to him seeking a truce accept that those of them who were killed while following Ṭulayḥah al-Asadī (the false prophet) are in the Fire. And this statement is not referring to disbelievers as a general group, a specific religion of disbelievers (i.e. Jews or Christians) or even people fighting for disbelief in general. Rather, it is referring to specific individuals who were known and were killed by the Muslims in this war as disbelievers.

We Are Required To Judge Based Upon the *Ṭḥāhir* (Outward Appearance)

And they argue that, even though we don’t know the condition of the person when he died (i.e. that he may have repented), we are only able to judge on the outward appearance and based on information that we have. They quote the following evidences:

Allāh, تَعَالَى, said:

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[21] The delegation of Buzākhah is the people of Ṭulayḥah Al-Asadī who fought alongside him. Then, when the *Ṣaḥābah*, may Allāh be pleased with them all, defeated them, they sent their delegation to Abū Bakr.

[22] Collected by Al-Barqānī upon the condition of Al-Bukhārī. “*Nayl Al-Awṭār*”, 8/22. And Ibn Ḥajar said: “Al-Ḥumaydī said: Al-Bukhārī condensed it and mentioned part of it, and it is his saying to them: ‘They follow the tails of the camels – until his saying – they can excuse you with.’ And Al-Barqānī collected it in whole with the *Isnād* which Al-Bukhārī collected that part of it with.” “*Fatḥ Al-Bārī*”, Vol. 13/210. It being upon the conditions of Al-Bukhārī was also mentioned by *Imām* Aḍ-Ḍiyā’ al-Maqdisī in “*As-Sunan wal-Aḥkām*”, Vol. 5/552. Ibn Abī Shaybah narrates this in his “*Muṣannaf*” (#33,302) as well as Al-Balāthurī in “*Al-Buldān Wa Futūḥuhā Wa Aḥkāmuhā*”, (#200). And Al-Bayhaqī narrates this from Ibn Abī Shaybah in “*As-Sunan Al-Kubrā*” (#16,205) with the same *Isnād*. *Imām* Aḥmad narrates a slightly summarized version of this narration in “*Faḍā’il Aṣ-Ṣaḥābah*” (#1,698). And Al-Bukhārī himself narrates a heavily summarized version of the narration in his “*Ṣaḥīḥ*” (#7,221). Sa`īd Ibn Manṣūr narrates in his “*Sunan*” (#2,934).

﴿يَا أَيُّهَا الَّذِينَ آمَنُواْ إِذَا ضَرَبْتُمْ فِي سَبِيلِ اللّهِ فَتَبَيَّنُواْ وَلاَ تَقُولُواْ لِمَنْ أَلْقَى إِلَيْكُمُ السَّلاَمَ لَسْتَ مُؤْمِنًا تَبْتَغُونَ عَرَضَ الْحَيَاةِ الدُّنْيَا فَعِندَ اللّهِ مَغَانِمُ كَثِيرَةٌ كَذَلِكَ كُنتُم مِّن قَبْلُ فَمَنَّ اللّهُ عَلَيْكُمْ فَتَبَيَّنُواْ إِنَّ اللّهَ كَانَ بِمَا تَعْمَلُونَ خَبِيراً﴾

﴿**O you who believe! When you go** (to fight) **in the Cause of Allāh, verify** (the truth)**, and say not to anyone who greets you** (by saying *Salām*)**: "You are not a believer"; seeking the perishable goods of the worldly life. There are much more profits and booties with Allāh. Even as he is now, so were you yourselves before till Allāh conferred on you His Favours** (i.e. guided you to *Islām*)**, therefore, be cautious in discrimination. Allāh is Ever Well-Aware of what you do.**﴾ [23]

And on the authority of Usāmah Ibn Zayd, رَضِيَ اللهُ عَنْهُ, who said:

بَعَثَنَا رَسُولُ الله صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ إِلَى الْحُرَقَةِ مِنْ جُهَيْنَةَ. قَالَ: فَصَبَّحْنَاهُمْ فَقَاتَلْنَاهُمْ فَكَانَ مِنْهُمْ رَجُلٌ إِذَا أَقْبَلَ الْقَوْمُ كَانَ مِنْ أَشَدِّهِمْ عَلَيْنَا وَإِذَا أَدْبَرُوا كَانَ حَامِيَتَهُمْ قَالَ: فَغَشِيتُهُ أَنَا وَرَجُلٌ مِنَ الْأَنْصَارِ. قَالَ: فَلَمَّا غَشِينَاهُ قَالَ: لَا إِلَهَ إِلَّا اللهُ فَكَفَّ عَنْهُ الْأَنْصَارِيُّ وَقَتَلْتُهُ. فَبَلَغَ ذَلِكَ النَّبِيَّ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا أُسَامَةُ أَقَتَلْتَهُ بَعْدَ مَا قَالَ لَا إِلَهَ إِلَّا اللهُ؟ قَالَ: قُلتُ: يَا رَسُولَ اللهِ إِنَّما كَانَ مُتَعوِّذاً مِنَ القَتْلِ. فَكَرَّرَهَا عَلَيَّ حَتَّى تَمنَّيْتُ أَنِّي لَمْ أَكُنْ أَسْلَمْتُ إِلَّا يَوْمَئِذٍ.

"The Messenger of Allāh, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, sent us to Al-Ḥuraqah of Juhaynah. We attacked them in the morning. When we fought them, there was a man who, when they approached, he was the harshest against us, and when they retreated, he was the one guarding them. Then I and a man from the Anṣār caught hold of him. When we caught hold of him, he said: 'There is none worthy of worship but Allāh.' So, the Ansārī left him but I killed him. That then reached the Prophet, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, so he said: *'O Usāmah, did you kill him after he said Lā Ilāha Ill Allāh?'* I said: 'O Messenger of Allāh, he was only seeking protection from being killed.' He then went on repeating it to me until I wished I had not embraced *Islām* until that day." [24]

`Umar Ibn al-Khaṭṭāb said:

"إِنَّ أُنَاساً كَانُوا يُؤْخَذُونَ بِالوَحْيِ فِي عَهْدِ رَسُولِ اللهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ وَإِنَّ الوَحْيَ قَدِ انْقَطَعَ. وَإِنَّمَا نَأْخُذُكُمُ الآنَ بِمَا ظَهَرَ لَنَا مِنْ أَعْمَالِكُمْ. فَمَنْ أَظْهَرَ لَنَا خَيْراً، أَمِنَّاهُ وَقَرَّبْنَاهُ وَلَيْسَ إِلَيْنَا مِنْ سَرِيرَتِهِ شَيْءٌ اللهُ يُحَاسِبُهُ فِي سَرِيرَتِهِ. وَمَنْ أَظْهَرَ لَنَا سُوءاً لَمْ نَأْمَنْهُ وَلَمْ نُصَدِّقْهُ وَإِنْ قَالَ :إِنَّ سَرِيرَتَهُ حَسَنَةٌ."

"Indeed the people used to be judged according to the Revelation during the time of Muhammad, صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ, and indeed the Revelation has come to an end. So now we only

[23] *Sūrat an-Nisā'*, 94

[24] Collected by Ibn Abī Shaybah (#29,535), Aḥmad (#22,088), Al-Bukhārī (#4,269), Muslim (#190), Abū Dāwūd (#2,643) and An-Nasā'ī (#8,540)

judge you according to whatever the *Ṭẖāhir* (i.e. external appearance) of your actions is. So whosoever appears to be righteous (i.e. Muslim), then we will give him safety and befriend him - and we have no obligation regarding the affairs of his heart, and only Allāh will Judge his heart. And whosoever appears to be evil, then we will not give him safety, nor will we trust him - even if he says that his heart is righteous." [25]

A Number of Scholars Have Declared Specific Disbelievers to Be In the Fire

And they also use some statements of various scholars to show that they understood this issue in this way.

Muḥammad Ibn `Abdil-Wahhāb mentioned the following words of Ibn Taymiyyah concerning those who refused to pay the *Zakāt*: "And it is narrated that groups from amongst them accepted the obligation – the obligation of *Zakāt* – yet despite this, the conduct of the *Khulafā'* concerning them is all one in the same. And it (i.e. their conduct) was killing those of them who fought, capturing their women and children, taking their wealth as spoils of war (*Ġanīmah*) and testifying that those of them who were killed are in the Fire."

Then Muḥammad Ibn `Abdil-Wahhāb said: "So contemplate his words concerning declaring a specific person to be a *kāfir* and testifying that he is in the Fire if he is killed." [26]

Ibn Taymiyyah also stated: "Confirming the *kufr* of a specific person is like confirming him being punished in the Hereafter; and that has (specific) conditions and defenses which we have explained in detail in their rightful place." [27]

So he applied the same rules of declaring a person to be a disbeliever to the issue of declaring that someone will be punished.

And when speaking about `Aṭā' al-Muqanna`, who was a magician who claimed divinity, *Imām* Ath-Thahabī stated: "Then he took some poison and died, so he will drink it in the Fire of *Jahannam*, forever in it for all of eternity, as the *Ḥadīth* has been confirmed concerning." [28]

Also, Ibn Abil-`Izz al-Ḥanafī stated: "As for Ibn `Arabī (i.e. the *Ṣūfī Imām* who claimed that Allāh is everything and everything is Allāh) and the likes, then they are hypocrites, *Zindīqs* (i.e. hypocrites who have displayed their disbelief) and pantheists at the lowest depths of the Fire." [29]

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[25] Collected by Al-Bukhārī (#2,641)
[26] "*Ad-Durar as-Saniyyah Fil-Ajwibah an-Najdiyyah*", Vol. 9/418
[27] "*Minhāj as-Sunnah an-Nabawiyyah Fī Naqḍ Kalām ash-Shī`ah al-Qadariyyah*" by Ibn Taymiyyah Vol. 5/240
[28] "*Tārīkh al-Islām Wa Wafayāt al-Mashāhīr wal-A`lām*" by Ath-Thahabī Vol. 10/360.
[29] "*Sharḥ al-`Aqīdah aṭ-Ṭaḥāwiyyah*" by Ibn Abil-`Izz al-Ḥanafī pg. 494

A Number of Scholars Have Declared It Permissible To Curse (*La`n*) a Disbeliever After He Dies

Another point that they argue is that many scholars have permitted cursing (*La`n*) a disbeliever after he dies, because we are able to see that he died upon *kufr*. From amongst these were:

This is the opinion of some of the *Mālikiyyah*, [30] some of the *Shāfi`iyyah*, [31] the main opinion of the *Ḥanābilah* [32] which was chosen by Ibn Taymiyyah [33] and the opinion of the *Ṭḥāhiriyyah*.

So, they argue that when we permit the *La`n* of a disbeliever, we are essentially stating that Allāh will not show him His Mercy.

Not Judging Upon a Specific Individual to Be In *Jannah* or the Fire Applies To Muslims, Not Disbelievers

They also state that the quotes cited from *Imām* Aḥmad, Ibn Abil-`Izz al-Ḥanafī and others regarding not declaring someone to be in *Jannah* or the Fire, are clearly discussing making this judgement upon a Muslim. This is because they use the phrase "*Ahl al-Qiblah*". And the reason for this stipulation for Muslims is because there is the possibility of the person being a hypocrite, so he wouldn't be in *Jannah* at all, or that he is a Muslim but is punished in the Fire before being entered into *Jannah*. However, with the disbeliever, these situations are not present.

Excuses on the Day of Resurrection Are For Those Who Did Not Have the Ability to Seek the Truth

And they argue against the usage of the *Ḥadīth* of the four who will come with excuses on the Day of Resurrection by saying that all four of these types of individuals did not have the ability to learn *Islām*. One did not have a Messenger or the remnants of the *Da`wah* of a Messenger. Two did not have the mental capacity to understand the *Da`wah* that came during their time. And one was not able to hear the *Da`wah*. However, those who have the ability to seek out the truth but do not do so, and even more so, those who have some of the Truth reach them but do not pursue learning more about it, do not fall under the rulings of this *Ḥadīth*.

Ibn al-Qayyim stated: "The *Ummah* has agreed that this level are disbelievers, even if they are ignorant and are blindly following their leaders and their *Imāms*. Except what has been

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[30] "*Aḥkām al-Qur'ān*" by Ibn al-`Arabī al-Mālikī Vol. 1/75-76, "*Al-Mufhim Limā Ashkala Min Talkhīṣi Kitābi Muslim*" by Al-Qurṭubī 5/74 and "*Al-Jāmi` Li-Aḥkām al-Qur'ān*" by Al-Qurṭubī 2/126

[31] "*Iḥyā' `Ulūm ad-Dīn*" by Abū Ḥāmid al-Ġazālī Vol. 3/112, "*Nihāyat al-Muḥtāj Ilā Sharḥ al-Minhāj*" by Ar-Ramlī 1/533 and "*Futūḥāt al-Wahhāb Bi-Tawḍīḥ Sharḥ Manhaj aṭ-Ṭullāb*" by Sulaymān al-Jamal

[32] Look to "*Al-I`lām Bi-Fawā'id `Umdat al-Aḥkām*" by Ibn al-Mulaqqin Vol. 4/508-509 and "*Al-Ādāb ash-Shar`iyyah*" by Ibn Mufliḥ Vol. 1/345

[33] "*Majmū` al-Fatāwā*", Vol. 6/511

mentioned from some of the people of innovation, that they did not judge upon them as being in the Fire, and they made them at the level of those whom the *Da`wah* has not reached. And this is an opinion that none from the *Imāms* of the Muslims has taken; not the *Ṣaḥābah*, nor the *Tābi`īn*, nor those who came after them. Rather, it is only known from some of the people of *Kalām* (i.e. philosophers) who innovated in *Islām*." [34]

And when speaking about the need to call people to *Islām* before attacking them, *Imām* Aḥmad said: "I do not know of anyone who is to be called today. The *Da`wah* has reached everyone. As the *Da`wah* has reached the Romans and they know what is expected from them." [35]

From all of this, what appears to be the stronger opinion is the second. This is based on the *Ḥadīth* of Abū Bakr, رَضِيَ اللهُ عَنْهُ, as well as the rule of judging upon the outward appearance.

And Allāh Knows Best.

Abū Ṭālūt Haytham Āl Sayfaddīn

[34] "*Ṭarīq al-Hijratayn Wa Bāb as-Sa`ādatayn*", by Ibn al-Qayyim pg. 607

[35] "*Al-Jāmi` al-Mukhtasar Min as-Sunan `An Rasūlillāh Sall Allāhu `Alayhi Wa Sallam Wa Ma`rifat as-Sahīh Wal-Ma`lūl Wa Mā `Alayhil-`Amal*" by At-Tirmithī Vol. 5/267 and "*Al-Mugnī*" by Ibn Qudāmah Vol. 10/379